

Pro Se 1 2016

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

Ruby L. Carr

CASE NO. 3:18-cv-06005-RBL
[to be filled in by Clerk's Office]

COMPLAINT FOR A CIVIL CASE

Jury Trial: ☐ Yes ☐ No

Plaintiff(s),

v.

Naval Base Kitsap Bremerton

Defendant(s).

I. THE PARTIES TO THIS COMPLAINT

A. Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Ruby L. Carr</u>
Street Address	<u>10901 Durham Place NW,</u>
City and County	<u>Silverdale, Kitsap</u>
State and Zip Code	<u>WA 98383</u>
Telephone Number	<u>(360) 908-0928</u>
	<u>ruby.carr79@yahoo.com</u>

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B. Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name

Naval Base Kitsap Bremerton

Job or Title (if known)

Street Address

120 S. Dewey St.

City and County

Silverdale, Kitsap

State and Zip Code

WA. 98315

Telephone Number

(866) 854-0638, (800) 562-3301<http://kitsap.navy.mil/pnw.com/>

Defendant No. 2

Name

Job or Title (if known)

Street Address

City and County

State and Zip Code

Telephone Number

Defendant No. 3

Name

Job or Title (if known)

Street Address

City and County

State and Zip Code

Telephone Number

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Defendant No. 4

Name _____

Job or Title *(if known)* _____

Street Address _____

City and County _____

State and Zip Code _____

Telephone Number _____

II. BASIS FOR JURISDICTION

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*☐ Federal question☒ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

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1 B. If the Basis for Jurisdiction Is Diversity of Citizenship

2 i. The Plaintiff(s)

3 a. If the plaintiff is an individual.

4 The plaintiff (name) Ruby L. Carr, is a citizen of the
 5 State of (name) Washington.

6 b. If the plaintiff is a corporation.

7 The plaintiff, (name) _____, is incorporated under
 8 the laws of the State of (name) _____, is incorporated under
 9 the laws of the State of (name) _____, and has its principal
 10 place of business in the State of (name) _____.

11 *(If more than one plaintiff is named in the complaint, attach an additional page providing*
 12 *the same information for each additional plaintiff.)*

13 2. The Defendant(s)

14 a. If the defendant is an individual.

15 The defendant, (name) _____, is a citizen of the
 16 State of (name) _____. Or is a citizen of
 17 (foreign nation) _____.

18 b. If the defendant is a corporation.

19 The defendant, (name) Naval Base Kitsap, is incorporated under
 20 the laws of the State of (name) Washington, and has its principal
 21 place of business in the State of (name) Washington.

22 Or is incorporated under the laws of (foreign nation) _____,
 23 and has its principal place of business in (name) _____.

24 *(If more than one defendant is named in the complaint, attach an additional page*
providing the same information for each additional defendant.)

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3. The Amount in Controversy.

The amount in controversy-the amount the plaintiff claims the defendant owes or the amount at stake-is more than \$75,000, not counting interest and costs of court, because (explain):

\$100,000.00 for neglect to the repair and
maintenance of the Commissary and Navy
Exchange parking lot pavement.

III. STATEMENT OF CLAIM

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

Tripped and fell on a large rut in the
pavement.

IV. RELIEF

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Permanent scarring of my right knee,
prone to inflammation.

V. CERTIFICATION AND CLOSING

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper

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purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;
(2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or
reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so
identified, will likely have evidentiary support after a reasonable opportunity for further
investigation or discovery; and (4) the complaint otherwise complies with the requirements of
Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related
papers may be served. I understand that my failure to keep a current address on file with the
Clerk's Office may result in the dismissal of my case.

Date of signing:

4 Dec 2018.

Signature of Plaintiff

PLarry

Printed Name of Plaintiff

Ruby L. Carr

Date of signing:

Signature of Plaintiff

Printed Name of Plaintiff

Date of signing:

Signature of Plaintiff

Printed Name of Plaintiff

July 25, 2016

LETTER OF JUDGMENT CLAIM
AGAINST US NAVAL BASE IN PSNS IN BREMERTON.

On July 10, 2016 as I walked in between my car and the car parked next to mine I fell in an instant when I was just a few steps away from opening my passenger side door. My husband at the time was loading our groceries from the commissary. I was dressed in my Sunday worship service clothes as my husband and I had proceeded to the commissary straight after Sunday service. We don't often shop in PSNS as we live in Silverdale but decided to take advantage of the proximity of the venue of our Sunday service to the Bremerton naval base to buy our groceries. Upon falling, all I could do as it happened in an instant was to keep my chest and face from hitting the pavement. My nylons were ripped to shreds on my right knee that took the brunt of the fall. My husband reported the fall immediately after assisting me up on my feet. Help was rendered to check me out, clean and bandage the injury to my knee.

I have never fallen in a public place before and the pain was just as great as my embarrassment. My feelings are now followed also by being greatly concerned over the whole matter. I am a 59 year old woman and my age is a big disadvantage to a speedy and good healing. The pain is more intense now as the skin on my knee feels very raw and I had to go to the hospital to make sure my shoulder, lower back and right foot were not injured as these areas were in pain as well. Every step is painful as any sort of material rubbing against the injured area compounds the pain and discomfort, and the unsightly skin which must be covered so as not to be bothersome to others to have to see, is detrimental as well to my emotional sense of well being.

I very seldom shop in PSNS as I prefer to shop in Costco and Bangor Naval Base which is closer to where I live. I am very concerned after my husband took pictures of the area where I fell and also of the commissary parking lot for that matter, to discover how the area lends itself to falls especially where women are concerned! I have shopped in so many bases through out my almost 37 years of being a Navy dependent wife, in various attires and footwear. PSNS is more than an embarrassment, but also hazardous to women shoppers especially. I had stable thick heels on my pumps and the moment my right foot hit a difficult to visually distinguish raised part of the parking lot in between my car and the car parked next to mine, I went down in an instant.


Please do not allow the state of neglect to continue where the commissary parking lot is concerned, as there will be others after me in addition to those before me who will experience pain and injury.

I will explore avenues for the submission of claim for injuries sustained both physical and emotional caused by the fall, due to the appalling negligence on the part of Base Maintenance that's responsible to make sure the commissary parking lot is not hazardous especially to women shoppers. I am rightly justified

in my need and sense of responsibility to bring a suit of negligence against PSNS BASE Maintenance. Please rightfully and with compassion resolve this claim of negligence suit submitted against you, not only for just resolution on the pain and suffering, both physically and emotionally, as well as possible skin disfigurement due to most likely scarring of the afflicted area the fall caused me, but to consider the safety of all shoppers. Pictures have been taken of the commissary parking lot of PSNS and other bases as well such as Bangor, McChord, Everett and Fort Lewis.



Signed: Ruby L. Carr
Mobile #: (360) 908-0928
Address: 10901 Durham Place NW.
Silverdale, WA. 98383
e-Mail: ruby.carr79@yahoo.com

CLAIM FOR DAMAGE, INJURY, OR DEATH		INSTRUCTIONS: Please read carefully the instructions on the reverse side and supply information requested on both sides of this form. Use additional sheet(s) if necessary. See reverse side for additional instructions.		FORM APPROVED OMB NO. 1105-0008	
1. Submit to Appropriate Federal Agency: Department of the Navy, office of the Judge Advocate General Tort Claims Unit Norfolk 9620 Maryland Avenue Suite 205 Norfolk, Virginia 23511-2949			2. Name, address of claimant, and claimant's personal representative if any. (See instructions on reverse). Number, Street, City, State and Zip code. Ruby L. Carr 10901 Durham Place NW. Silverdale, Washington 98383		
3. TYPE OF EMPLOYMENT <input type="checkbox"/> MILITARY <input checked="" type="checkbox"/> CIVILIAN		4. DATE OF BIRTH 1956/09/28	5. MARITAL STATUS Married	6. DATE AND DAY OF ACCIDENT 2016/07/10	
7. TIME (A.M. OR P.M.) 1:30 PM					
8. BASIS OF CLAIM (State in detail the known facts and circumstances attending the damage, injury, or death, identifying persons and property involved, the place of occurrence and the cause thereof. Use additional pages if necessary). The Navy Exchange parking lot has many large ruts. One caused me to trip and fall, landing hard on my right knee. Pictures were taken at the scene and a report by the base police were submitted to the base legal department. I was in great pain and my normal routines were filled with great discomfort for at least a month. Nearly two years later the neglected parking lot condition remains the same. The injury caused by this situation has resulted in permanent scarring to my knee.					
9. PROPERTY DAMAGE					
NAME AND ADDRESS OF OWNER, IF OTHER THAN CLAIMANT (Number, Street, City, State, and Zip Code). NA.					
BRIEFLY DESCRIBE THE PROPERTY, NATURE AND EXTENT OF THE DAMAGE AND THE LOCATION OF WHERE THE PROPERTY MAY BE INSPECTED. (See instructions on reverse side). The parking lot for the Navy Exchange and Commissary at Naval Base Kitsap, is full of ruts and has very uneven pavement. Address 1400 Farragut Avenue Bremerton, Washington 98314.					
10. PERSONAL INJURY/WRONGFUL DEATH					
STATE THE NATURE AND EXTENT OF EACH INJURY OR CAUSE OF DEATH, WHICH FORMS THE BASIS OF THE CLAIM. IF OTHER THAN CLAIMANT, STATE THE NAME OF THE INJURED PERSON OR DECEDENT. Injury caused cut to right knee, exposing flesh that was extremely painful to slightest touch of any fabric. Loss of proper rest due to great pain for several days. Area was swollen, bruising and appearance needed to be covered in order not to cause discomfort to others, further self consciousness and humiliation to my self esteem when out in public.					
11. WITNESSES					
NAME		ADDRESS (Number, Street, City, State, and Zip Code)			
Richard G. Carr		Same			
12. (See instructions on reverse). AMOUNT OF CLAIM (in dollars)					
12a. PROPERTY DAMAGE Nylons, \$15.00		12b. PERSONAL INJURY Emotional & physical scarring.		12c. WRONGFUL DEATH NA.	
12d. TOTAL (Failure to specify may cause forfeiture of your rights). Pain and scarring, \$150,000.00					
I CERTIFY THAT THE AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURIES CAUSED BY THE INCIDENT ABOVE AND AGREE TO ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM.					
13a. SIGNATURE OF CLAIMANT (See instructions on reverse side). 			13b. PHONE NUMBER OF PERSON SIGNING FORM (360) 908-0928		14. DATE OF SIGNATURE 2018/05/21
CIVIL PENALTY FOR PRESENTING FRAUDULENT CLAIM The claimant is liable to the United States Government for a civil penalty of not less than \$5,000 and not more than \$10,000, plus 3 times the amount of damages sustained by the Government. (See 31 U.S.C. 3729).			CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CLAIM OR MAKING FALSE STATEMENTS Fine, imprisonment, or both. (See 18 U.S.C. 287, 1001.)		

ALTH RECORD

CHRONOLOGICAL RECORD OF MEDICAL CARE

Patient: CARR, RUBY L
Treatment Facility: NH BREMERTON

Date: 19 Jul 2016 1410 PDT
Clinic: B FM2

Appt Type: 24HR
Provider: HAMILTON, ANDREW R
(BREM)

Patient Status: Outpatient

AutoCites Refreshed by VACA, STEPHANNY @ 19 Jul 2016 1403 PDT

Social History

No Social History Found.

Reason for Appointment:

59y f/u r knee cx

Appointment Comments:

tri/mlr/hamilton

Screening Written by THORNTON, SAMUEL J @ 19 Jul 2016 1441 PDT

Reason For Appointment: 59y f/u r knee cx

Allergen information verified by THORNTON, SAMUEL J @ 19 Jul 2016 1441 PDT

G3 P3 LC3. Post-menopause.

Vitals

Vitals Written by THORNTON, SAMUEL J @ 19 Jul 2016 1441 PDT

BP: 94/62, HR: 76, RR: 18, T: 98.3 °F, HT: 59 in, WT: 119.9 lbs, BMI: 24.22, BSA: 1.484 square meters,
Tobacco Use: No, Alcohol Use: No

S/O Note Written by MCQUADE, LINDSAY K @ 19 Jul 2016 1524 PDT

Chief complaint

The Chief Complaint is: Right knee injury.

History of present illness

The Patient is a 59 year old female.

<<Note accomplished in TSWF-CORE>>

59 y/o female pt presents to the clinic for right knee injury. Pt fell 10 days ago and injured her right knee, Pt states pain and bleeding when the scab is scraped, Pt states she does not feel the wound is healing well. Pt has been using naproxen for pain but says it does not work to well.

FNP student note - In addition to note above, pt reports painful scab over right knee after fall 10 days, previously evaluated. No joint swelling or pain, reports 'skin pain' and some bleeding when scab is irritated. Pt has additional concern of upper abdominal pain, circumferential at base of ribs. No fevers, no n/v/d, no blood in BM, no loss of appetite, reports pain present at night and in am, and not significant enough during the day to disrupt daily activities. Pt has not had colon cx screening and mother died of colorectal cx at age 62. Pt reports having been scheduled for 3 previous screenings and has not followed through.

Fair general overall feeling /health and feeling tired (fatigue).

Heartburn and abdominal pain.

Pain assessment

Location: right knee

Duration: 10 days

Quality:

Factors that correlate with onset:

Frequency:

Average level:

Worst level:

Least level:

What makes it better:

Name: CARR, RUBY L
FMP/SSN: 30/6191
DOB: [REDACTED]
PAT CAT: N43 USN FAM MBR RET
MC Status: TRICARE PRIME (CHAMPUS)
Status
CIC:

Sex: F
DoD ID: 1183803324
Tel H: 360-560-1914
Tel W:
CS:
PCM: HAMILTON, ANDREW R
(BREM)

Sponsor Name: CARR, RICHARD GEORGE
Rank: CHIEF PETTY OFFICER
Unit: RETSP (SPONSOR RETIRED)
OutPAT RR: NHB OUTPT RECS
Insurance: No
Tel. PCM: 360-475-4345

CHRONOLOGICAL RECORD OF MEDICAL CARE

THIS INFORMATION IS PROTECTED BY THE PRIVACY ACT OF 1974 (PL-93-579). UNAUTHORIZED ACCESS
TO THIS INFORMATION IS A VIOLATION OF FEDERAL LAW. VIOLATORS WILL BE PROSECUTED.

STANDARD FORM 600 (REV. 5)
Prescribed by GSA and ICMR
FIRMR (41 CFR) 201-45.505



DEPARTMENT OF THE NAVY
OFFICE OF THE JUDGE ADVOCATE GENERAL
TORT CLAIMS UNIT NORFOLK
9620 MARYLAND AVENUE SUITE 205
NORFOLK, VA 23511-2949

IN REPLY REFER TO

5890
Ser J181364
June 6, 2018

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RUBY L CARR
10901 DURHAM PLACE NW
SLIVERDALE WA 98383

Dear Ms. Carr:

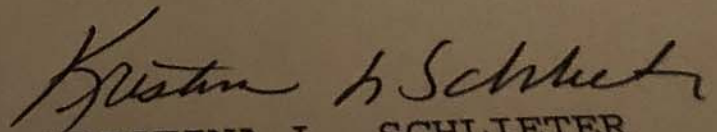
SUBJECT: CLAIM OF RUBY L CARR; OUR FILE NO. J181364

This responds to your administrative claim in the amount of \$150,000 for damages allegedly resulting from a fall in the parking lot at PSNS on July 10, 2016. Your claim was analyzed under the Federal Tort Claims Act (FTCA), 28 U.S.C. §§ 1346(b), 2401(b), and 2671-2680. Our investigation has determined the United States is not liable under the FTCA for the damages claimed.

The United States is liable under the FTCA when the negligence or wrongful act of a Federal employee proximately causes injury. The damages alleged did not result from any negligent act or omission on the part of an employee of the United States. Accordingly, your claim is denied.

If you do not agree with this decision, be advised you have six months from the date of mailing of this letter to file suit in the appropriate Federal district court. If you have any questions, please contact me by phone at (757) 341-4538 or email at kristina.schlieter@navy.mil.

Sincerely,


KRISTINA L. SCHLIETER
Tort Claims Attorney

Pierce COUNTY DISTRICT COURT
CASE INFORMATION COVER SHEET

Court Case Number _____

Attorney Name: _____ Bar Number: _____

Plaintiff/Petitioner: Ruby L. Carr

Defendant/Respondent: _____

Amount of Suit: \$ 100,000.00

Please check one category that best describes this case for indexing purposes. Accurate case indexing saves time in docketing new cases and assists in forecasting needed judicial resources. Cause of action definitions are listed on this form. Thank you for your cooperation.

- | | |
|--|---|
| <input type="checkbox"/> Alcohol Treatment (ALT) | <input type="checkbox"/> Name Change (CHN) |
| <input type="checkbox"/> Animal Impound (AMI) | <input type="checkbox"/> NSF Check (NSF) |
| <input type="checkbox"/> Anti-Harassment Petition (HAR) | <input type="checkbox"/> Open Account (OPA) |
| <input type="checkbox"/> Automobile Damages (AUT) | <input type="checkbox"/> Other (OTH) |
| <input type="checkbox"/> Breach of Contract (BRE) | <input type="checkbox"/> Petition for Seized Goods (PFS) |
| <input type="checkbox"/> Carry Concealed Weapon (CCW) | <input checked="" type="checkbox"/> Personal Injury (PIN) |
| <input type="checkbox"/> Commercial Electronic Mail (CEM) | <input type="checkbox"/> Private Tow (PRI) |
| <input type="checkbox"/> Damage Deposit (DD) | <input type="checkbox"/> Property Damages (PRP) |
| <input type="checkbox"/> Deposition Sister State (DEP) | <input type="checkbox"/> Property Damages-Gangs (PRG) |
| <input type="checkbox"/> District Court Judgment (DCJ) | <input type="checkbox"/> Public Tow (PUB) |
| <input type="checkbox"/> Domestic Violence Petition (DVP) | <input type="checkbox"/> Rent (REN) |
| <input type="checkbox"/> Extreme Risk Protection Order (XRP) | <input type="checkbox"/> Replevin (REP) |
| <input type="checkbox"/> Firearm Forfeiture (PFA) | <input type="checkbox"/> Restitution (RES) |
| <input type="checkbox"/> Foreclosure Lien (FOR) | <input type="checkbox"/> Services Rendered (SER) |
| <input type="checkbox"/> Goods and Services (GS) | <input type="checkbox"/> Sexual Assault Protection (SXP) |
| <input type="checkbox"/> Lease Agreement (LA) | <input type="checkbox"/> Stalking Protection (STK) |
| <input type="checkbox"/> Loan (LOA) | <input type="checkbox"/> Transcript (TRN) |
| <input type="checkbox"/> Mental Illness (MI) | <input type="checkbox"/> Wages (WAG) |
| <input type="checkbox"/> Municipal Court Judgment (MCJ) | <input type="checkbox"/> Written Instrument (WR) |

See Reverse for Case Information Category Definitions

If you cannot determine the appropriate category, please describe the cause of action below:

Please Note: Public information in court files and pleadings may be posted on a public Web site.
CASE INFORMATION DEFINITIONS